

Compensatory Mitigation

Scott A. Flint

Department of Fish and Game

September 27-28, 2006

Reducing Project Impacts

- Avoidance
- Minimization
- Compensation – Actions to “offset” any remaining impacts: Typically habitat protection, enhancement or restoration
- Monitoring

Use of Compensatory Mitigation

- CEQA – Mitigate significant impacts to a level of “less than significant”
- CESA – Achieve “full mitigation standard”
- Compliance with State Wildlife Laws – Compensate or “offset” impacts that remain after avoidance and minimization to achieve “no net loss”

Conservation Biology Principles

- Conserve Larger, Contiguous Habitat Areas, Multi-species Focus
- Conserve and Restore Habitat Connectivity Corridors
- Conserve and Maintain Associated Ecological Systems
- Conserve Population Structures and Genetics

Compensation Approaches

- Conservation of Essential Habitat
 - Nest Trees
 - Breeding Areas
 - Wintering or Roost Areas
 - Foraging Habitat
 - Migratory Rest Areas
 - Habitat Linkages

Compensation Mechanisms

- Conservation of Essential Habitat Areas
 - Mitigation Banks
 - Purchase Fee Title
 - Conservation Easements

Compensation Approaches

■ Habitat Restoration

- Assumption that we can create habitat, restore functions
- Assumption that we can increase carrying capacity
- Disagreement on Success
- Stringent Monitoring Requirements

Compensation Mechanisms

- Habitat Restoration
 - Restore non-functional areas
 - Conserved areas - to increase carrying capacity
- Habitat Enhancements
 - Exotic Species Removal

Compensation – Other Ideas

- Industry “Habitat Bank” Consortium
- Combination Approaches involving Research Contributions
- “Green” Allowance
- Decommissioning of Orphaned Facilities

Other Considerations

- Goal is Preservation in Perpetuity
- Long-Term Management funding for Mitigation Lands
- Use of third-party Land Managers

Determination of Compensation Requirements

- Biological Basis – Replace lost individuals into the population
 - enhance reproductive capacity
 - enhance or expand breeding areas and opportunities
 - enhance other critical habitat areas
 - Remove or control other population stressors

Project/Compensation Nexus

- Birds per Megawatt
- Rotor-swept Area
- Aerial Extent of Rotor-swept Area
- Entire site rendered unsuitable
- WAG

Proposed Guidelines

- Outline Decision Framework For Compensatory Mitigation Decisions
- Identify Potential Options for Compensatory Mitigation that Ensure Bird and Bat Protections
- Recommend Mitigation Monitoring Scenarios